

United States District Court
Eastern District of Michigan
Southern Division

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United States

v.

Jack Carpenter III

Case No: 23-20152

Honorable Mark A. Goldsmith

FILED

FEB 13 2024

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

Motion to dismiss for Want of Jurisdiction

Where there is no jurisdiction, there can be no discretion. Where there is a

duty, there can be no discretion. As Federal Courts are courts of limited jurisdiction,

the Court is bound by law to assume jurisdiction is lacking unless and until

evidence is introduced which would support a finding the court has jurisdiction.

On June 6th the Court noted there was a suggestion of a challenge to the

Court's jurisdiction. The Court is not in a position to exercise discretion to a

challenge to jurisdiction citing 28 U.S.C. § 1654 because if jurisdiction is lacking

then there is no case to conduct personally or by counsel and the Court must

presume jurisdiction is lacking. Additionally, the Court cannot have a duty at

all times to look into a challenge of jurisdiction while simultaneously having

discretion to ignore the challenge citing a statute that has no effect unless a case exists. Challenges to jurisdiction are unique in this regard. It is not the same as pleading to suppress evidence. 28 USC. § 1654 would be proper to claim the Court has discretion in pleadings such as those because there is no right to hybrid representation. This is not the case when the Court has a duty to look into the question and must assume that there is no case to trigger 28 USC. § 1654 into effect. The Court cannot assume a case exists to be plead or conducted personally or by counsel while being required to assume a case does not exist. Challenges to jurisdiction are unique in this regard, and why they can be raised at any time, even initially raised on appeal or even after a plea deal where all appeal rights are waived. It is because of the fact that if jurisdiction is lacking, no action of the Court is valid. This includes assigning counsel. As such, 28 USC ¹⁶⁵⁴ does not authorize the Court to ignore this or any other challenge to jurisdiction that has been presented to it.

As previously stated, on June 6th the Court recognized that jurisdiction was challenged. It prompted the prosecution to then prove jurisdiction existed. The prosecution failed to do this. In fact, it argued that it did not understand the challenge itself, as if this freed them of the burden to prove to the court jurisdiction exists. Defense does not have to prove that jurisdiction is lacking to assert the defense and require the prosecution to prove to the Court that jurisdiction exists. That is the default. Regardless, from the record of June 6th and evidence filed by the prosecution themselves it is clear that the defense claims that I, Jack Carpenter, am the Head of a foreign government and as such am immune from Civil and Criminal jurisdiction of U.S. Courts according to their own laws. This immunity is valid regardless of whether or not the borders this new nation claims are politically recognized by the executive branch. However, the executive branch implicitly recognized them in a communication with the US State Department where these borders were discussed, and a diplomatic method to cross them into US land was

explained. Immunity is not dependent upon this recognition.

The prosecution would like to convince the court that the claim of the existence of this nation is evidence of insanity, however, the existence of this nation is a legal fact beyond question of this court. This is one of the reasons I argued that the attempt to have me found legally incompetent was in bad faith. To convince the Court it is irrational is the only chance the prosecution has at defeating the argument. I stated this on Twitter in December, two months before my arrest, that they would do that.

The existence of the nation I created is not a question of US law, and does not depend upon it. Even if it was dependent upon US law, I was exercising a right in a Constitution this court cannot interpret to determine if it was done within the text of the Document. Likewise, as I argued in a State Court, the State ceded the power to interact with foreign governments to the Federal government, and as a result

also cannot look into the question of whether or not the government I created exists. Due to the balance of Powers, no court can look into the question "Did he exercise the right as written".

Pretty calculated in a way to show a very in depth understanding of the law for a guy the prosecution claims can't rationally understand facts. So calculated that I predicted the US government's response to it two months before I was arrested, and even stated the evidence they would use.

Since jurisdiction was challenged, and the prosecution failed to prove it, nor could they if given the chance now, I motion the Court to dismiss the case for want of jurisdiction. At the very least have it moved to the venue it should have been since it involves the question of whether or not a Minister of a foreign government is immune due to International law which is a question for the US Supreme Court under its original jurisdiction. Do Note, in 10 days a notice of appeal will follow this motion as I have no way to know how the court rules since

the attorney assigned to my case claimed a conflict of interest in August, but is still assigned for some absurd reason.

I certify this document is 6 pages

Jack Caputo

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This writer of this letter
is an inmate in the
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